

21664

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCEDATE  
RECEIVED

May 03

(THIS CONTROL NO. MUST  
ACCOMPANY ALL APPEALS)

LE

R10/10A  
5/13

NAME: Anthony Nesbit SSN: 545-94-9277  
9644 (SN)  
 HOUSING ASSIGNMENT: B2 (HHSF) CONTROL NO.: 91664 86212 (J2)  
 TO: (STEP) 1. \_\_\_\_\_ Section Supervisor/Inmate Grievance Specialist  
 2. \_\_\_\_\_ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist  
 3. X Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist  
 SID: A0701329

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: CLAYTON FRANK/NOLAN ESPINDA DATE: 5/8/03  
 RESPONSE: NO RESPONSE

RE: Complaint/Grievance Against: CLAYTON FRANK/ equal protection, discrimination  
Negligence in providing a safe and security for non-gang members

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

I FILED TWO GRIEVANCES THE FIRST ONE AFTER SIXTY DAY AND NO RESPONSE  
 THE 2ND ONE AFTER 15 WORKING DAYS AND NO RESPONSE I CANNOT WAIT  
 FOREVER FOR A RESPONSE SO NOW I AM FILING A 3RD STEP GRIEVANCE AND HOPE  
 FULLY I WILL RECEIVE A RESPONSE IF I DO NOT WITHIN 20 DAYS ACCORDING TO  
 POLICY AND PROCEDURE GO ON TO THE NEXT LEVEL OF WHICH FOR THE 3RD STEP AS  
 FAR AS I KNOW THERE IS NONE SO I WOULD CONSIDER A NO RESPONSE THE  
 EXHAUSTION OF ADMINISTRATIVE REMEDIES NOW MY GRIEVANCE, BECAUSE  
 OF A RAD CLASSIFICATION DECISION CONCERNING MY CUSTODY POINT STATUS I  
 WAS TOLD BY THE COUNSELOR FOR MOD I QUAD 4 MOD FACILITY I WOULD BE TRANSFERRED  
 TO THE HALLOWA HIGH SECURITY FACILITY THIS WAS THE BEGINNING OF FEB 10<sup>TH</sup> 2003?  
 WHEN I ARRIVED AT HHSF MOD C I WAS ASKED BY THE ACO IN CHARGE IF I BELONG  
 LONG TO ANY GANG? I SAID "NO" AND ASKED WHY? HE SAID THAT THEY SEPARATE  
 THE DIFFERENT GANGS. AFTER THIS I WAS PLACED IN QUAD I OF MOD C WHERE  
 THERE IS A LARGE NUMBER OF CERTAIN GANG MEMBERS  
 NOW IT IS COMMON KNOWLEDGE THAT HHSF FACILITY ACTIVELY  
 PURSUES AND IDENTIFIES KNOWN AND ADMITTED GANG MEMBER THERE IS EVEN A GANG  
 TASK FORCE WHAT THEIR FUNCTION IS FOR ME NOT CLEAR. BUT THE PROCESS BY WHICH  
 OPPOSITE SIDE GANG MEMBERS ARE SEPARATED FOR THEIR SAFETY AND WELL BEING AND THE  
 COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

Separate non-gang members from gang members, implement a screening  
 process to determine compatibility, keep a record of known and  
 admitted gang members, invent a deterrent for gang membership  
 and add adequate security and safety measures  
Anthony Nesbit A0701329 5/8/03  
 INMATE SIGNATURE DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to this step III appeal. According to HCF staff,  
 Module C is designated housing for Closed custody inmates, and you are appropriately  
 housed. If there are separate concerns, then inmates are segregated between  
 the housing quads. If you are requesting protective custody because you fear  
 retaliation from other inmates, you need to notify HCF staff so they can assess  
 your request.

As Division Administrator and in accordance with P & P 493.12.03.4.16 and 16(a),  
 this decision is final and the ultimate recourse available within the administrative  
 remedy process.

SIGNATURE OF RESPONDENT

INMATE ACKNOWLEDGED

Institutions Division Adm.

TITLE

6/19/03

DATE

6/10/03

DATE

Group Exhibits  
A.

WHITE/fig

CANARY/inmate answer

PINK/respondent

GOLD/inmate receipt

DOC 8215 (rev. 3/97)

Group Exhibits A Plaintiffs Grievances

Exhibits A



3rd Step 3/8/05

Exhibit 3  
Declaration Paragraph #9.6/11/05  
88

STATE OF HAWAII - CORRECTIONS

INMATE COMPLAINT/GRIEVANCE

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## ADDENDUM

Not taking into consideration my safety and well being since I am a Non Member and a target by rather sides of these prison gangs. See incident reports of assaults and extortion and sex assault against Non Member by prison gang members also see all incidents of Non Members requesting protective custody because of fear and or assaults by gang members. With this record of gang violence against Non Members but still you disregard my safety by placing me in a Quad with known violent gang members. How you can separate opposite side gang members for their protection because if opposite sides were housed together they would try to kill each other. But not even consider me a Non Member when you place me in with gang members putting me in immediate danger and as a result of this reckless disregard for my safety I was exposed to a risk of violence the result was my life was threatened by a known leader of a prison gang who is serving a life without parole sentence who said he has nothing to lose by killing me. After the threat on my life I asked for protective custody and was placed in protective custody 20 days later being housed in Special Housing until then.

But HHSF created and still creates a dangerous environment by placing Non Member in with gang members. Now because of this incident with these gang members I have to be in fear of attack by these gang members for the duration of my prison sentence. All this is because of HHSF deliberate disregard for Non Member like me, my safety, and exposing me to known risk of violence which could of easily been prevented by implementing the same process offered to gang members and that is to house all Non Members separate from gang members. Non members are targets for assault, extortion, recruitment, sex assault by gang members who are dedicated to a life of crime in or out of prison. HHSF furthers the cause for gang members by not separating Non gang members because some of these or alot that came here to HHSF did not have a large gang tattoo on them but after being placed in with gang members they were recruited (some by choice, some by fear) how many new gang members have been created through exposing Non members to gang members in the last year? Remember this membership is for life and continued criminal involvement. You can and have the means to prevent this and you cannot continue to be negligent and assume this callous indifference and utter disregard for the value of human life exposing prisoners to a known risk of harm, death through gang violence.

While in Mod-C I attempted to contact the warden via Confidential Letter Nelson Espinoza dated 2/16/03 informing him of my dangerous situation and fear of violence. This letter fell on deaf ears I never recieved a response it was never investigated and now look at what happen to me same thing to my first grievance I wrote while I was housed in Mod-C Quad I and no response. Common sense tells you that you keep the she away from the wolves. There is not much more I can add to this. If you actively separate opposite side gang members for there protection you can do the same for Non members and stop this exposed to risk of violence on Non members.

THANK YOU

Anthony Nesbit 5/8/1  
40701329

2/16/03  
2/16/03

91644

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCE

DATE  
RECEIVED

2/16/03

(THIS CONTROL NO. MUST  
ACCOMPANY ALL APPEALS)

**FILE**

NAME: Anthony Nesbit SSN: 545-94-9277

HOUSING ASSIGNMENT: HHSF mod C Quad I CONTROL NO.: 91644

TO: (STEP) 1. \_\_\_\_\_ Section Supervisor/Inmate Grievance Specialist SID: AC701329  
2. \_\_\_\_\_ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist  
3. \_\_\_\_\_ Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: NOLAN Espinda / Warden DATE: 2/17/03

RESPONSE: None Yet

RE: Complaint/Grievance Against: NOLAN Espinda / Warden

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

I AMATES LIKE ME JUST STARTING OUT AT THE MED SECURITY FACILITY AND FACING SECURITY POINTS CLASSIFICATION COMMITTEE FOR THE FIRST TIME AND RECEIVING ENOUGH POINTS TO BE SENT TO THE HALAWA HIGH SECURITY FACILITY ARE FACED WITH DANGERS AND UNFORSEEN PROBLEMS. THE HIGH POINT CLASSIFICATION METHOD MAY BE APPROPRIATE BUT PLACEMENT IS NOT. THE DANGER HERE IS SOMETHING EVERYONE NEEDS TO BE AWARE OF. UNLIKE A LOT OF THE INMATES AT HHSF I DID NOT EARN MY WAY HERE BY BEING A MANAGER. PROBLEM THOUGH VIOLENT GANG ACTIVITY, MY ONLY UNFORTUNATE CIRCUMSTANCE FOR BEING WITH AND RECEIVING HIGH POINT CLASSIFICATION WAS MY OFFENSE AND PRIOR CRIMINAL HISTORY. EVEN THOUGH BEFORE BEING CLASSIFIED I DEMONSTRATED A WILLINGNESS TO LEAD A POSITIVE PRODUCTIVE LIFE WHILE IN PRISON. ME AND MEN LIKE ME ARE APPROACHED HERE AT HHSF BY KNOWN VIOLENT GANG MEMBERS, INTIMIDATED, COERCED AND PRESSURED TO JOIN THE DOMINANT GANG IN THE QUAD. HHSF IS A RECRUITING STATION FOR ME AND MEN LIKE ME. THIS IS A INDOCTRINATION CENTER FOR PRISON GANGS. THE INTENSE LEVEL OF PSYCHOLOGICAL MENTAL AND PHYSICAL MANIPULATION EMPLOYED BY GANG MEMBERS FOR RECRUITING PURPOSES WILL EVENTUALLY BREAK ONE'S SPIRIT AND WILL TO RESIST. THERE IS NO DANGER TOGETHER WITH WHAT I HAVE DESCRIBED IN THIS GRIEVANCE. I AM UNDER THE IMPRESSION YOU KNEW N INJ ABOUT THIS OTHERWISE YOU WOULD HAVE PREVENTED THE INDOCTRINATION OF INMATES LIKE ME INTO VIOLENT PRISON GANG MEMBERS. I WILL RESIST THIS INDOCTRINATION WITH ALL MY WILL POWER. MY GRIEVANCE HERE IS TO MAKE EVERYONE AWARE OF A SERIOUS LONG TERM PROBLEM. I AND MEN IN A SIMILAR SITUATION HERE STARTED OUT TO LEAD POSITIVE PRODUCTIVE PRISON LIVES BUT I WAS NEVER PREPARED TO HANDLE A SITUATION LIKE THIS. I AM OUTNUMBERED. I AM NOT IN THE SAME BOAT AS THESE GANG MEMBERS. I AM 31 YEARS OLD AND WHAT I SEE HAPPENING HERE IS TRAGIC THAT MEN OTHER WISE MADE MODEL PRISONERS ARE BEING TURNED INTO GANG MEMBERS. THIS IS WORSE AND PROTECTING ENVIRONMENT WHERE WORK AND SCHOOL IS OUR DESIRE AND WISH. MY ONLY LEADS COMPANY ALL AND THE INDOCTRINATION INTO PRISON GANG MEMBERSHIP CONTINUES AT HHSF. PLEASE MAKE THE NECESSARY CHANGES TO PROTECT AND MAKE THIS PRISON A SAFE PLACE FOR INMATES IN OUR PARTICULAR SITUATION. I AM STICKING MY NECK OUT BY FILING A GRIEVANCE LIKE THIS, AND MANY WOULD LIKE THIS. BUT OUR COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

SEPARATE VIOLENT GANG MEMBERS FROM GANG MEMBERS, REEVALUATE THE TRANSFER OF INMATES FROM MOD C TO MOD B. REVIEW NEW INMATES WITH HIGH POINTS BUT DO NOT EVEN THROUGH WRITING A TRANSFER TO HHSF. SEND ME BACK TO THE MED FACILITY. HAVE A SPECIAL HOLDING AREA FOR ALL KNOWN GANG MEMBERS. ESTABLISH A COMMITTEE TO DEBATE THE PROBABLY DANGER HERE AND A REPORT THAT WILL OFFER A SOLUTION TO THE RIGHT THINGS. THANK YOU.

INMATE SIGNATURE

DATE

RESOLUTION: (attach additional sheets as necessary)

You are presently Close custody based on your current classification. After HPA sets your minimum, your classification will be reviewed by your case manager. The length of your minimum will determine if your classification will be decreased or remain the same.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

SIGNATURE OF RESPONDENT

Eric Tanaka

Deputy Warden

TITLE

5-1-03

XXXXXXXXXX

DATE

INMATE ACKNOWLEDGED

DATE

WHITE/FILE

CANARY/inmate answer

PINK/respondent

GOLD/inmate receipt

DOC 8215 (rev. 3/97)



STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCEDATE  
RECEIVED

95199

(THIS CONTROL NO. MUST  
ACCOMPANY ALL APPEALS)NAME: Anthony NesbitSSN: 545-94-9277HOUSING ASSIGNMENT: B-2CONTROL NO: (57) 91664/95199jd

TO: (STEP) 1. ☒ Section Supervisor/Inmate Grievance Specialist  
 2. ☐ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist  
 3. ☐ Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

SID: A0701329

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: Edwin Shimoda Institutional Division Administrator DATE: 2/1/04RESPONSE: "his decision is final and the ultimate recourse"RE: Complaint/Grievance Against: Failure to protect Non-Gang inmates from Violence at the hands of Separated Violent Prison Gang

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

the Institutional Division Administrator (Edwin Shimoda) response to my grievance is my main Complaint see Grievance # 91664 dated 5/8/03 the answer and Response are inadequate, inappropriate, insufficient and flawed; it also demonstrates his personal involvement in the Constitutional deprivation and his personal participation in the acquiescence of a custom and policy so deficient that the policy or custom itself is a repudiation of Constitutional rights and is the moving force of the Constitutional violation.

my Grievance clearly pointed out a Equal protection and discrimination Violation and a Failure to protect because of Constitutional defective and deficient Customs and Policies Concerning Prison Gang Management and Separation Customs. Since my group upon prisoner (Non-Gang) have gone on so long (Longstanding, documented) the result of defective Customs and Policies and prison officials are aware of the Cause and the result of these injuries but continue to ignore a known hazard would demonstrate a callous indifference and reckless disregard for prisoner safety and protection from Violent Gang members and reasonably would show "deliberate indifference"

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

Separate Non-Gang inmates from Separated Violent Gang Members provide and implement adequate Customs and Policies for Gang Management that at present are Constitutionally defective and deficient

Anthony Nesbit

INMATE SIGNATURE

2/1/04

DATE

RESOLUTION: (attach additional sheets as necessary)

You cannot appeal the decision of the Division Administrator. In accordance with Policy and Procedure 493.12.03.4.16 and 4.16a, the Division Administrator's response is final and the ultimate recourse in the administrative remedy process.

Linda Rivera

SIGNATURE OF RESPONDENT

HCF/CES

TITLE

02/04/03

DATE

INMATE ACKNOWLEDGED

DATE

STATE OF HAWAII - CORRECTIONS

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INMATE COMPLAINT/GRIEVANCE

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## ADDENDUM

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More to the point the fact that the decision by the Institutional Division Administrator is the final and ultimate recourse and that those decisions are Constitutionally defective and flawed would reasonably show that the State of Hawaii Dept of Public Safety is also at fault for not implementing Safe Guards to prevent Administrative Abuse in the exercise of total authoritative power and decisions and delegated to untrained prison policy makers.

When the State of Hawaii Vesting of Complete Authority with Prison Administrators who in turn on vest Complete Authority with prison officials, Wardens, Deputy Wardens, Supervisors who in turn is a Collective body, Government Unit, make decisions that resulted the Formulation of Constitutionally deficient Customs and policies and also utilize Valid policies and apply them Unconstitutionally would reasonably hold the State of Hawaii liable for not providing Safe Guards to ensure the decisions were safe and provided protection for inmates.

The Vesting of such "Carte Blanche" Authority with the prison Administrators without adequate Safe Guards is reckless indifference for prisoner Safety and would almost inevitably would result in deprivations of prisoner Constitutional rights.

Third step grievance process is also flawed in that in light of inappropriate and Constitutionally flawed answers that these decisions should be left to the decision of a Committee with a Objective View in determining the Cause of Action or inaction with a Institutional Deciding and investigative power in order to Safe Guard decisions.

Another Obvious point is that No one in the prison Administration has adequate or Specialized Training in Gang Management Control the State of Hawaii Dept of Public Safety should have given a Specialized Training in prison Gang Management and Control, which would reasonably show why No one knows what they are doing when it comes to dealing with Violent prison Gang Management and this is demonstrated in the long standing history of injuries as a result of untrained police makers in Formulating Constitutionally defective and deficient Customs and policies.

The result of these inadequate police decisions is the proliferation of Newly recruited Gang Members that number in the hundreds, the prison Gangs were allowed through Customs and policies to flourish and victimize prisoners (Non Gang) for the past 3 years resulting in many Significant and Substantial injuries on Non Gang Members.

The fact cannot be denied that I was subjected to a Unconstitutional Condition and that assault and a life threatening incident occurred because of the Unconstitutional Condition and as a result of the life threatening incident a Future risk of harm was created and caused by the Unconstitutional Condition.

The fact that I remain in P.C. does not diminish the fact that my rights to personal Security and protection was violated rather it enhances the Seriousness of the Constitutional deficient and flawed Customs, policies and practices and my right to seek redress. For reason described in this Grievance the issues are not moot.

Thank You

Anthony Nesbit

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

JOHN F. PEYTON, JR.  
DIRECTOR

CLAIRE Y. NAKAMURA  
Deputy Director  
Administration

FRANK J. LOPEZ  
Deputy Director  
Corrections

JAMES L. PROPOTNICK  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

November 21, 2003

*EXHIBIT J-1*  
*per*

*Declaration paragraph # 21.*

Mr. Anthony Nesbit

B2  
Halawa Correctional Facility  
99-902 Moanahua Road  
Honolulu, Hawaii 96701

Mr. Nesbit:

The Department of Public Safety's Policy and Procedures regarding Gang Intelligence is considered Confidential and therefore will not be distributed. The information regarding methods of controlling, identifying and managing identified gang members is included in this Confidential Policy and Procedure and therefore, again, will not be distributed or provided.

Sincerely,

A handwritten signature in dark ink, appearing to read "Edwin T. Shimoda", written over a light-colored rectangular background.

EDWIN T. SHIMODA, Administrator  
Institutions Division

c: The Honorable Leslie H. Kondo, Director, OIP  
Alfred Kim, PSD



STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCE

95195

(THIS CONTROL NO. MUST  
ACCOMPANY ALL APPEALS)

NAME: William Kotis

SSN: NA.

HOUSING ASSIGNMENT: B-2

CONTROL NO.: 86646 95163

TO: (STEP) 1.

Section Supervisor/Inmate Grievance Specialist

SID:

A0182281

2.

Appeal Branch/Core Program Administrator/Inmate Grievance Specialist

3.

✓

Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

Sept. 11, 2002 to

NAME: Various staff, case manager, warden, ombudsman, others

DATE: Dec. 22, 2003

RESPONSE: No answers to either step 1 or to step 2

RE: Complaint/Grievance Against: Policies and unwritten policies, customs and practices that have the mixing of gang members with non gang members.

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

This is 3rd step my first two steps were ignored. I never received a reply so I am continuing on to step 3 in hopes to find resolution to the prison gang problem. Because I am in protective custody does not make my grievance moot and the reason for this is that if I leave P.C. this same circumstance and situation is capable of repetition as long as the gang problem is not addressed properly the threat of attack on non-gang members exist and this includes me. The practices, methods, customs, policies, procedures of housing non-gang members with or around prison gang members that have been separated and concentrated belonging to all one single gang is a callous indifference and a deliberate indifference to a known hazard that the prison gang present to non gang members who are targeted by prison gang members for assault, extortion, recruitment, coercion and threats. This has caused injury upon non-gang members for a long time. Now it is long standing and well document and prison officials continue to ignore the injury that amounts to the deliberate indifference of a real and significant known risk of harm that gang members present to non gang members. The formulation of these practices, customs, unwritten policies, procedures that allow the mixing of non gang with gang members are the result of decisions made by a collective body whom when identified will assume the responsibilities for all the injury that have occurred over the years due to defective deficient policies, customs or practices. The fact that separate non gang from gang members. This includes housing, chowhalls, school, rec. yards, chapel, ect., including protective custody units.

William Kotis  
INMATE SIGNATURE12-22-03  
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your step III appeal. Your request is not feasible, as there are relevant department/facility policies to address special management inmates.

As Division Administrator and in accordance with P &amp; P 493.12.03.4.16 and 16(a), this decision is final and the ultimate recourse available within the administrative remedy process.

SIGNATURE OF RESPONDENT

INMATE ACKNOWLEDGED

Institutions Division Admin.

Feb. 25, 04

DATE

2/12/04

DATE

95163

No. 95195

Control No.

William Kotis 12/22/03

STATE OF HAWAII - DEPT. OF CORRECTIONS

INMATE COMPLAINT/GRIEVANCE

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ALL APPEALS)

## A D D E N D U M

- you are aware of this practice, have been put on notice of injury upon prisoners (non-gang) as a result of assaults by prison gangs for years. Now your deliberate disregard to take affirmative action to protect prisoners (non gang) from gang members is a deliberate indifference to this known hazard that prison gang members present, and as long as this problem is not addressed properly whether I am in P.C. or not is not the issue because this assault on me by gang members is still a real and significant known risk of harm that is capable of repetition once I leave P.C. You have a duty to keep gang members completely separated from non-gang prisoners. That includes chaw halls, school, chapel housing areas. See what happened to W. Aholelei on Oct. 3rd, 2003. Gang members tried to murder him. This problem still exists and you must put a stop to it now and begin separating all gang members from non-gang members for the good safety and protection of prisoners (non gang). Not to do so is a violation of Constitutional Amendment 8.

Solution -

separate all gang members from all non gang members.



88292

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCEDATE  
RECEIVED(THIS CONTROL NO. MUST  
ACCOMPANY ALL APPEALS)

NAME: William KOTIS SSN:       

HOUSING ASSIGNMENT: Special Holding DBlock CONTROL NO.: 86632  
MEDIUM

TO: (STEP) 1.        Section Supervisor/Inmate Grievance Specialist SID: A0182281  
2. ☒ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist  
3.        Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: Cinda Sordin, Sarah from RAD, Pabudeman, Many others DATE: Since at least 9/11/02RESPONSE: Was supposed to be placed in Protective CustodyRE: Complaint/Grievance Against: Being placed in a punitive setting without any word as to why or for how long since Veteran's Day Nov. 11, 02

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary) I was surprised to learn that I was moved into a cell with an USO gang member as a roommate, one Richard Rosario, in Module C quad 1 with 2 more members housed in the room/cell right next door in cell two. We were in cell one. I was again assaulted on Nov. 11, 02. I made formal assault and T.T. charges. I was informed I would be placed in Special Holding only overnight by the staff due to the only person having authority to place me in P.C. is the warden. To date I have not gotten any response from any prison officials. Further I am being housed in a very punitive setting with USO gang members surrounding me all around and above me.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Placed in P.C. either Halawa or O.C.C.C. or another prison without any USO Family gang members. please note I have no trouble with any other gang except Hawaii gangs. Thank you very much for your help and concern.

William Kotis  
INMATE SIGNATURENov. 19, 02  
DATE

RESOLUTION: (attach additional sheets as necessary)

At present you are being housed in Module B, protective custody. Grievance moot.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Nolan P. Espinda  
SIGNATURE OF RESPONDENTHCF Warden  
TITLE12/17/02  
DATE

INMATE ACKNOWLEDGED

12/27/02  
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCEDATE RECEIVED 10/21  
C

86632

(THIS CONTROL NO. MUST  
ACCOMPANY ALL APPEALS)

NAME: William Kotis SSN: \_\_\_\_\_

HOUSING ASSIGNMENT: C-2 MSH CONTROL NO.: 86632

TO: (STEP) 1. ☒ Section Supervisor/Inmate Grievance Specialist SID: A0182281

2. ☒ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist

3. ☐ Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: Counselors, social workers, Sarah, ACLU, my lawyer + others DATE: Since Sept. 11, 02RESPONSE: Don't worry; we'll look into it; It's only temporary; Write a grievanceRE: Complaint/Grievance Against: Being housed in a part of the Prison designated for highly assaultive and violent gang members.

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary) Since at least April I have made it clear I have serious problems with alot of people at Halawa many of which are in organized gangs, as well as several of the ACOs and that there is a constant risk of harm to my life. I told this to many officials like the Probation Officer Chloe Poe, Sarah at the RAD unit when she informed me that I would be moved to the ultra violent Halawa High, also Judge Perkins and his entire court with my family and friends present. Even the Prosecutor's Office, I told. In my pre-sentence report I even wrote about my situation and my past and how it will make my going to Halawa dangerous for me, and that precautionary measures must be taken and should have been taken in advance. I have been assaulted and threatened with reprisals to not only me but my family if I say anything. I was warned not to press the button or even go near it after the assaults. I'm constantly in fear for my life up here now. It appears that several of the guards are friendly towards the abusers, so I dare not speak to guards. I was not in the RAD unit for 20 hours when they moved me here and almost immediately the trouble started. I've been told that my movement so quickly is unheard of. Usually you stay at the RAD for at least 2-3 months. This egregious failure to act



STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCEDATE RECEIVED  
2/25/04

98032

(THIS CONTROL NO. MUST  
ACCOMPANY ALL APPEALS)

NAME: William Kotis

SSN: NA

HOUSING ASSIGNMENT: B-2

CONTROL NO: 98032/95195

TO: (STEP) 1. ☒

Section Supervisor/Inmate Grievance Specialist

SID: A0182281

2. ☐

Appeal Branch/Core Program Administrator/Inmate Grievance Specialist

3. ☐

Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: Edwin Shimoda (I.D.A.)

DATE: Feb. 25, 2004

RESPONSE: The decision is final

RE: Complaint/Grievance Against: Policies and unwritten policies, customs, and practices that are unconstitutional and applying valid policies in an unconstitutional manner.

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

The reply from Edwin Shimoda concerning my THIRD STEP grievance #95195 is inadequate and distracts from the core issue of my grievance. Now Edwin Shimoda's response said "Your request is not feasible" I say housing practices that place non-gang members in a small confined area with concentrations of separated violent gang members of a single gang that still function and operate as an organized group and gang that this housing practice is "feasibly unconstitutional" and a new label has been also added to the many labels that prison officials have sought to justify their unconstitutional practice and policies. The old label at first was closed custody and separatee issues but now Shimoda says it is a "special management inmate" this is a new term and a new label. Regardless of the label of what Shimoda wants to call this it is the ultimate result we should be concerned with. Also a concern that I am trying to reasonably and logically point out. And the result is concentrations of separated gang members in a single gang that still function and operate as an organized group that threaten any prisoner who is not a part of their group. And these closed custody, separatee issues and special management policies even if they are valid are applied in an unconstitutional manner that allow violence upon non-gang members by separate non-gang members from separated concentrated gang members of a single gang.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

Violence upon non-gang members by separate non-gang members from separated concentrated gang members of a single gang.

William Kotis  
INMATE SIGNATUREFeb. 25, 04  
DATE

RESOLUTION: (attach additional sheets as necessary)

In accordance with Policy and Procedure 493.12.03.4.16 and 4.16a, the decision of the Division Administrator (Edwin Shimoda) is final and the ultimate recourse in the administrative remedy process. Step 3 #95195 was responded to and signed by you on 2/25/04. You may not appeal Mr. Shimoda's decision. You may now proceed with litigation. The grievance process had been exhausted on this issue.

Linda Rivera

SIGNATURE OF RESPONDENT

HCF/IGS

TITLE

02/27/04

DATE

INMATE ACKNOWLEDGED

DATE

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Control No.

(THIS NO. MUST ACCOMPANY  
ALL APPEALS)

## ADDENDUM

- violent separated gang members. This policy that Shimoda quotes P. 493.12.03.4.16 and 16(a) is a policy that is confidential even if I wished to contest this policy I can not view it and I am not allowed access to this policy. I have to just accept that these numbers represent a valid policy because I can not have access to them. They are not provided for the general population to examine and are confidential. The obviousness of quoting a number that belongs to a confidential policy that can not be scrutinized is meaningless to all except those who can see it. I, after being exposed to this unconstitutional practice and policy can now say that from what I went through (violence at the hands of separated gang members), that I now can reasonably say this is an evil practice that has long and notoriously persisted and has been demonstrated in the long standing and recorded injuries on prisoners who have been exposed to this evil practice.

And is the result of Administrators and directors who acquiescence, in allowing Halawa Prison officials to continue to utilize these constitutionally flawed policies and practices in an unconstitutional manner. I consider this callous indifference and reckless indifference to prisoner's protection and safety issues. How can you not see the obviousness of what is being described here.

Again I say separate non gang members from separated gang members to prevent the victimization of prisoners and violence upon prisoners (Non-gang).

William Kotis

A  
February 25, 2004